

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 15**

*
PHILLIPS 66 COMPANY *
*
and *
*
(b) (6), (b) (7)(C) an Individual *
*

Case 15-CA-263723

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by **(b) (6), (b) (7)(C)** an Individual (**(b) (6), (b) (7)(C)**). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Phillips 66 Company (Respondent) has violated the Act as described below.

1(a) The charge in this proceeding was filed by **(b) (6), (b) (7)(C)** on July 27, 2020, and a copy was served on Respondent by U.S. mail on July 29, 2020.

(b) The first amended charge in this proceeding was filed by **(b) (6), (b) (7)(C)** on April 26, 2021, and a copy was served on Respondent by U.S. mail on April 26, 2021.

(c) The second amended charge in this proceeding was filed by **(b) (6), (b) (7)(C)** on July 28, 2021, and a copy was served on Respondent by U.S. mail on July 29, 2021.

2. At all material times, Respondent, has been a corporation with an office and place of business in Belle Chasse, Louisiana (Respondent's facility), and has been engaged in the processing and refining of crude oil.

3(a) In conducting its operations annually, Respondent sold and shipped from its Belle Chasse, Louisiana facility goods valued in excess of \$50,000 directly to points outside the State of Louisiana.

(b) In conducting its operations annually, Respondent purchased services valued in excess of \$50,000 which were furnished to Respondent at its Belle Chasse, Louisiana facility directly from points outside the State of Louisiana.

4. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
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(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
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(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
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(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
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(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
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(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
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6(a) About (b) (6), (b) (7)(C), 2020, Respondent's employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) engaged in concerted activities with each other for the purposes of mutual aid and protection, by taking photographs of parked contractor vehicles at the Respondent's Facility.

(b) Since about (b) (6), (b) (7)(C) 2020, Respondent has maintained Policy "HR-03" prohibiting the use of any type of personal camera inside Respondent's Facility by non-exempt and hourly employees without prior written approval by management.

(c) Since about (b) (6), (b) (7)(C) 2020, Respondent has maintained Policy “HR-31” prohibiting the, “Use of any type of personal camera (example: cell phone camera, digital camera, video camera, etc.), unless used within the specific scope of work for documentation purposes in non-processing areas.”

(d) About (b) (6), (b) (7)(C) 2020, Respondent issued written discipline to its employee (b) (6), (b) (7)(C)

(e) About (b) (6), (b) (7)(C) 2020, Respondent discharged its employee (b) (6), (b) (7)(C)

(f) Respondent engaged in the conduct described above in paragraphs 6(d) and (e), because its employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 6(a), and to discourage employees from engaging in these or other concerted activities.

(g) About (b) (6), (b) (7)(C) 2020, Respondent, by (b) (6), (b) (7)(C) enforced the rules described above in paragraphs 6(b) and (c) against its employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) as described in paragraph 6(d) and (e) because they engaged in the protected concerted activity described above in paragraph 6(a).

7. By the conduct described above in paragraph 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

As part of the remedy the General Counsel seeks an Order requiring Respondent rescind the rules described above in paragraph 6(d) and (e) because they were unlawfully applied because its employees engaged in protected concerted activities.

The General Counsel also seeks an Order requiring that Respondent post, text, email, mail, and read a Notice remedying the unfair labor practices alleged above.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before November 12, 2021, or postmarked on or before November 11, 2021.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the

Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **January 24, 2022, 10:00 am (Central Time)** at the **hearing will be conducted either by Zoom or in-person at 600 S. Maestri, 7th Floor, New Orleans, LA, 70130, depending upon conditions at the time of the trial**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: October 29, 2021

/s/ **Sandra L. Hightower for**

M. KATHLEEN McKINNEY by par
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 15-CA-263723

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Scott D. Huffstetler, Attorney
Post Office Box 3513
Baton Rouge, LA 70821

(b) (6), (b) (7)(C)
Through (b) (6), Attorney of Record: Justine
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3436 Magazine Street, Unit 7005
New Orleans, LA 70112

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Phillips 66
HQ-N-1390
2331 CityWest Boulevard
Houston, TX 77042

(b) (6), (b) (7)(C), (b) (6), (b) (7)(C)
United Steelworkers Union
1026 E Worthey St, Ste B
Gonzales, LA 70737

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

(OVER)

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

IMPORTANT NOTICE'

The date, which has been set for hearing in this matter, should be checked immediately. *If* there is proper cause for not proceeding with the hearing on that date, a motion to change the date of hearing should be made within fourteen (14) days from the service of the complaint. Thereafter, it may be assumed that the scheduled hearing date has been agreed upon and that all parties will be prepared to proceed to the hearing on that date. Later motions to reschedule the hearing generally may not be granted in the absence of a proper showing. of unanticipated and uncontrollable intervening circumstances.

All parties are encouraged to fully explore the possibilities of settlement. Early settlement agreements prior to extensive and costly trial preparation may result in substantial savings of time, money and personnel resources for all parties. The Board agent assigned to this case will be happy to discuss settlement at any mutually convenient time.

/s/ M. Kathleen McKinney

**M. KATHLEEN McKINNEY
REGIONAL DIRECTOR**

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 15**

EATON AEROSPACE, LLC

and

**INTERNATIONAL UNION OF ELECTRONIC
ELECTRICAL SALARIED, MACHINE AND
FURNITURE WORKERS-COMMUNICATIONS
WORKERS OF AMERICA LOCAL 83-792**

**Cases 15-CA-244092
15-CA-274921
15-CA-274937
15-CA-277218
15-CA-279622**

**ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 15-CA-244092 filed by the International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers-Communications Workers of America, Local 83-792 (Union) against Eaton Aerospace, LLC (Respondent), in which a Complaint and Notice of Hearing issued on November 27, 2019, is consolidated with Cases 15-CA-274921, 15-CA-274937, 15-CA-277218, and 15-CA-279622 filed by the Union against the Respondent.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Union, as set forth in the following table, and served upon the Respondent on the dates indicated by the methods indicated below:

Case No.	Amendment	Date Filed	Date Served	Served By
15-CA-244092		June 28, 2019	June 28, 2019	U.S. Mail
15-CA-244092	Amended	November 19, 2019	November 19, 2019	U.S. Mail
15-CA-274921		March 31, 2021	March 31, 2021	Email
15-CA-274937		March 31, 2021	March 31, 2021	Email
15-CA-274937	Amended	July 28, 2021	July 29, 2021	U.S. Mail
15-CA-277218		May 17, 2021	May 17, 2021	U.S. Mail
15-CA-279622		July 8, 2021	July 8, 2021	Email
15-CA-279622	Amended	August 25, 2021	August 26, 2021	Email

2. At all material times, Respondent has been a limited liability company with an office and place of business in Jackson, Mississippi (Respondent's facility), and has been engaged in the manufacture and repair of hydraulic pumps for aircrafts.

3(a) Annually, Respondent, in conducting its operations described above in paragraph 2, sold and shipped from its Jackson, Mississippi facility goods valued in excess of \$50,000 directly to points outside the State of Mississippi.

(b) Annually, Respondent, in conducting its operations described above in paragraph 2, purchased and received at its Jackson, Mississippi facility goods and materials valued in excess of \$50,000 directly from points outside the State of Mississippi.

4. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)

7. About November 20, 2020, Respondent, by (b) (6), (b) (7)(C) in a letter, threatened employees with unspecified reprisals because they collectively refused to volunteer for weekend overtime.

8(a) About April 8, 2021, Respondent, by (b) (6), (b) (7)(C) by letter, threatened its employees with unspecified reprisals because they engaged in the protected concerted activity of discussing product testing and recall procedures and its effect on the Respondent's employees with Respondent's customer.

(b) About April 8, 2021, Respondent restrained and limited the Union's ability to investigate grievances by promulgating a rule restricting its employees ability to engaged in the protected concerted activity of talking to third parties about working conditions.

9(a) About April 8, 2021, Respondent, by letter, promulgated and has since then maintained a rule requiring all employees be professional, courteous, and respectful towards Respondent's customers.

(b) Respondent promulgated and maintained the rule described above in paragraph 9(a) to discourage its employees from engaging in protected concerted activities, as well as engaging in other activities protected by Section 7 of the Act.

10(a) About (b) (6), (b) (7)(C) 2020, the Respondent issued a written warning to its employee (b) (6), (b) (7)(C)

(b) Respondent engaged in the conduct described above in paragraph 10(a) because its employee (b) (6), (b) (7)(C) assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

11 (a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All hourly paid production and maintenance employees including electronic technicians, and probationary employees employed at the employer's Jackson, Mississippi Plant but excluding all salaried office, office clerical, and plant clerical employees, cafeteria employees, technical employees, the nurse, professional employees, janitors, guards, and supervisors as defined in the Act.

(b) Since 2015, a more exact date currently unknown to the General Counsel, and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from June 22, 2015 through June 15, 2020.

(c) At all times since 2015, a more exact date currently unknown to the General Counsel, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

12(a) Since about May 29, 2019, the Union has requested in writing that Respondent furnish the Union with the following information: Copies of all E-Stars since January 1, 2019, for employees (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) including all vacation days accrued by each person, days used, and extra days they might have been given.

(b) The information requested by the Union, as described above in paragraph 12(a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Since about May 29, 2019, Respondent, by (b) (6), (b) (7)(C) has failed and refused to furnish the Union with the information requested by it as described above in paragraph 12(a).

13(a) Since about March 17, 2021, the Union has requested in writing that Respondent furnish the Union with the following information: original test records for the 219 returned pumps from Airbus.

(b) The information requested by the Union, as described above in paragraph 13(a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Since about March 20, 2021, Respondent, by (b) (6), (b) (7)(C) has failed and refused to furnish the Union with the information requested by it as described above in paragraph 13(a).

14(a) Since about April 12, 2021, the Union has requested in writing that Respondent furnish the Union with the following information:

1. The average hourly wage the Company will be using to calculate any economic issue.
2. Please provide a data base, (preferably in Excel format) including the following items for each employee in the represented bargaining unit as of January 1, 2021:
 - a. Employee's name
 - b. Employee's job title
 - c. Current rate of pay
 - d. Date of hire

- e. Date of birth
 - f. Employee's healthcare election, i.e., individual, individual plus one, family, etc., also include dental and vision care elections. If the employee does not participate in the Company's healthcare, dental and vision plans please indicate. Also, include which plan the employee participates in, if there are multiple options.
 - g. Please indicate if the healthcare, dental and vision plans are plans that only cover the Jackson, MS. facility or are they combined with other Eaton entities. If so, please provide the number of employees covered under each plan and which facilities are included.
 - h. Please provide copies of utilization studies, cost experience analyses or other evaluative reports regarding cost and use of the Company sponsored health benefits.
3. Please provide the monthly premium cost of the healthcare plan(s) for each designation, i.e., individual, individual plus one, family, etc., including the amount of the monthly premium the Company is contributing for each designation. Please provide this information for each year of the agreement.
 4. Please provide copies of all current Plan Descriptions, Summary Plan Descriptions (SPD's), as well as any other summaries of benefits or coverages applicable to benefit plans in which IUE-CWA represented employees and their dependents participate.
 5. Is Eaton Aerospace Self Insured? If so, what is the stop/loss and how is it applied?
 6. Please provide the number of hours of overtime worked for each year of the current agreement, as well as weekly overtime and weekend overtime. Please provide this information by department.
 7. Please provide the annual cost of overtime for each year of the agreement.
 8. Please provide copies of the most recent and past 5 years of the 5500 Forms, and a copy of the pension plan (electronic format preferred). Additionally, please provide the most recent actual actuarial evaluation and the actual actuarial evaluations for the past 5 years.

(b) The information requested by the Union, as described above in paragraph 14(a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) From about April 12, 2021 to May 20, 2021, Respondent unreasonably delayed in furnishing the Union with the following information requested by it as described above in paragraph 14(a):

1. The average hourly wage the Company will be using to calculate any economic issue.
2. Please provide a data base, (preferably in Excel format) including the following items for each employee in the represented bargaining unit as of January 1, 2021:

- a. Employee's name
 - b. Employee's job title
 - c. Current rate of pay
 - d. Date of hire
 - e. Date of birth
 - g. Please indicate if the healthcare, dental and vision plans are plans that only cover the Jackson, MS. facility or are they combined with other Eaton entities. If so, please provide the number of employees covered under each plan and which facilities are included.
5. Is Eaton Aerospace Self Insured? If so, what is the stop/loss and how is it applied?
 6. Please provide the number of hours of overtime worked for each year of the current agreement, as well as weekly overtime and weekend overtime. Please provide this information by department.
 7. Please provide the annual cost of overtime for each year of the agreement.

(d) From about April 12, 2021 to May 26, 2021, Respondent unreasonably delayed in furnishing the Union with the following information requested by it as described above in paragraph 14(a):

- 2(f) Employee's healthcare election, ie., individual, individual plus one, family etc., also include dental and vision care elections. If the employee does not participate in the Company's healthcare, dental and vision plans please indicate. Also, include which plan the employee participates in, if there are multiple options.
- 2(h) Please provide copies of utilization studies, cost experience analyses or other evaluative reports regarding cost and use of the Company sponsored health benefits.
3. Please provide the monthly premium cost of the healthcare plan(s) for each designation, i.e., individual, individual plus one, family, etc., including the amount of the monthly premium the Company is contributing for each designation. Please provide this information for each year of the agreement.
4. Please provide copies of all current Plan Descriptions, Summary Plan Descriptions (SPD's), as well as any other summaries of benefits or coverages applicable to benefit plans in which IUE-CW A represented employees and their dependents participate.
8. Please provide copies of the most recent and past 5 years of the 5500 Forms, and a copy of the pension plan (electronic format preferred). Additionally, please provide the most recent actual actuarial evaluation and the actual actuarial evaluations for the past 5 years.

15(a) About November 16, 2020, Respondent changed the weekend overtime attendance policies.

(b) The subject set forth above in paragraph 15(a) relates to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(c) Respondent engaged in the conduct described above in paragraph 15(a) without affording the Union an opportunity to bargain with Respondent with respect to this conduct and/or the effects of the conduct.

(d) As a result of Respondent's conduct described above in paragraph 15(a), on November 16, 2020, Respondent caused a loss of weekend overtime for its bargaining unit employees. See attachment.

16(a) By the conduct described above in paragraphs 7 through 9, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

(b) By the conduct described above in paragraph 10, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

(c) By the conduct described above in paragraphs 11 through 15, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

17. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

1. The General Counsel seeks an Order requiring that Respondent post, text, email, and mail, a Notice to Employees remedying the allegations set forth above in paragraphs 8 through 15.

2. The General Counsel seeks an Order requiring Respondent to train its supervisors and managers on Respondent's obligation to comply with the Act and on the rights that employees possess under the Act.

3. The General Counsel seeks an Order requiring in a facility wide meeting at Respondent's facility that (b) (6), (b) (7)(C) read a Notice to Employees remedying the allegations set forth above in paragraphs 8 through 15, which should be recorded. Attendance at the Notice reading should be documented and any Employee not present at the meeting should view the recording, and a copy of the recording and documentation of attendance should be provided to the Region.

4. The General Counsel seeks an Order requiring that Respondent rescind the unlawful rule described above in paragraph 9.

5. The General Counsel seeks an Order requiring that Respondent rescind all changes made to wages, hours, and other conditions of employment, as described in paragraph 15.

6. The General Counsel further seeks all relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 1, 2021, or postmarked on or before November 30, 2021.**

Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **a date, time, and place to be determined**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: November 17, 2021

/s/ *M. Kathleen McKinney* by par
M. KATHLEEN McKINNEY
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 15
600 S. MAESTRI PL., 7th FLOOR
NEW ORLEANS, LA 70130-3413

Attachments

**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE**

Cases 15-CA-244092
15-CA-274921
15-CA-274937
15-CA-277218
15-CA-279622

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Tracy White, H.R. Manager
Eaton Aerospace
5353 Highland Dr
Jackson, MS 39206

James P Verdi
Park Center Plaza 1
6100 Oak Tree Blvd. Suite 400
Cleveland, OH 44131

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
IUE-CWA Local 83792
5546 N. State St
Jackson, MS 39206

Roger K. Doolittle, Esq.
Doolittle & Doolittle LLC
5760 I 55 N., Suite 450
Jackson, MS 39211

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence.

If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

Exceptions to the ALJ's Decision: The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

IMPORTANT NOTICE'

The date, which has been set for hearing in this matter, should be checked immediately. *If* there is proper cause for not proceeding with the hearing on that date, a motion to change the date of hearing should be made within fourteen (14) days from the service of the complaint. Thereafter, it may be assumed that the scheduled hearing date has been agreed upon and that all parties will be prepared to proceed to the hearing on that date. Later motions to reschedule the hearing generally may not be granted in the absence of a proper showing of unanticipated and uncontrollable intervening circumstances.

All parties are encouraged to fully explore the possibilities of settlement. Early settlement agreements prior to extensive and costly trial preparation may result in substantial savings of time, money and personnel resources for all parties. The Board agent assigned to this case will be happy to discuss settlement at any mutually convenient time.

/s/ M. Kathleen McKinney

**M. KATHLEEN McKINNEY
REGIONAL DIRECTOR**

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

**COMMUNITY ORGANIZED RELIEF
EFFORT**

and

Case 31-CA-272228

(b) (6), (b) (7)(C) an Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by (b) (6), (b) (7)(C) an Individual (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151, et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Community Organized Relief Effort (Respondent) has violated the Act as described below:

1. a) The charge in this proceeding was filed by the Charging Party on February 3, 2021, and a copy was served on Respondent by U.S. Mail on February 4, 2021.

 b) The amended charge in this proceeding was filed by the Charging Party on April 28, 2021, and a copy was served on Respondent by U.S. Mail on April 29, 2021.
2. a) At all material times, Respondent has been a California non-profit organization engaged in saving lives and strengthening communities impacted by or vulnerable to crisis, with a principal location in Los Angeles, California.

 b) During the last calendar year, a representative period, Respondent, in conducting its operations described above in paragraph 2(a), had a gross volume of business from its operations valued in excess of \$250,000.

c) During the last calendar year, a representative period, Respondent, in conducting its operations described above in paragraph 2(a), provided services valued in excess of \$50,000 directly to customers outside the State of California.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

-

(b) (6), (b) (7)

(b) (6), (b) (7)(C)

-

(b) (6), (b) (7)(C)

5. About (b) (6), (b) (7)(C) 2021, Respondent, by (b) (6), (b) (7)(C) in an e-mail message to All CORE Staff:

a) Impliedly threatened employees with unspecified reprisals by disparaging those who would engage in protected concerted activities such as taking work related complaints to the public or other third parties; and

b) Impliedly threatened employees with discharge by inviting them to quit rather than take their work-related complaints to the public or third parties.

6. By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

7. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 5 and 6, the General Counsel seeks an Order requiring Respondent to: (i) E-mail a

copy of the Notice to Employees to all current and former employees who were sent the (b) (6), (b) (7)(C) 2021 e-mail with the subject line “A Message To All CORE Staff from (b) (6), (b) (7)(C) and (ii) Copy and mail the Notice to Employees to all former employees who were sent the (b) (6), (b) (7)(C) 2021 e-mail with the subject line “A Message To All CORE Staff from (b) (6), (b) (7)(C) but who will not receive the e-mailing of the Notice. In addition, General Counsel seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board’s Rules and Regulations, it must file an answer to the Complaint. The answer must be **electronically filed with this office on or before November 8, 2021.** Respondent also must serve a copy of the answer on the other parties.

E-Filing. Pursuant to Section 102.5(c) of the Board’s Rules and Regulations, the answer must be filed electronically through the Agency’s website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency’s website informs users that the Agency’s E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency’s website was off-line or unavailable for some other reason. The Board’s Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the

Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on January 19, 2022, 9:00 am **at 11500 West Olympic Boulevard, Suite 600, Los Angeles, CA 90064** in an available hearing room or in a location or manner, including Zoom videoconferencing, otherwise ordered by the Administrative Law Judge, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: October 25, 2021

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

Mori Rubin, Regional Director
National Labor Relations Board, Region 31
11500 W. Olympic Blvd., Ste 600
Los Angeles, CA 90064-1753

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 31-CA-272228

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Community Organized Relief Effort
6464 W. Sunset Blvd., Suite 1140
Los Angeles, CA 90028

Charles S. Birenbaum Esq., Attorney
Greenberg Traurig, LLP
4 Embarcadero Center, Suite 3000
San Francisco, CA 94111
Email: birenbaumc@gtlaw.com

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Community Organized Relief Effort
Dodgers Stadium 1000 Vin Scully Avenue
Los Angeles, CA 90012

(b) (6), (b) (7)(C)

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

SOLIDCORE ASSETS, LLC; SOLIDCORE ATLANTA, LLC,
D/B/A [SOLIDCORE]; SOLIDCORE CHICAGO, LLC, D/B/A
[SOLIDCORE]; SOLIDCORE CONNECTICUT, LLC, D/B/A
[SOLIDCORE]; SOLIDCORE DALLAS, LLC, D/B/A
[SOLIDCORE]; SOLIDCORE DELAWARE LLC, D/B/A
[SOLIDCORE]; SOLIDCORE GLOBAL ENTERPRISES, INC.;
SOLIDCORE HOLDINGS, LLC, D/B/A [SOLIDCORE];
SOLIDCORE, INC., D/B/A [SOLIDCORE]; SOLIDCORE
INDIANA, LLC, D/B/A [SOLIDCORE]; SOLIDCORE
KENTUCKY LLC, D/B/A [SOLIDCORE]; SOLIDCORE, LLC,
D/B/A [SOLIDCORE]; SOLIDCORE MANAGEMENT LLC;
SOLIDCORE MASSACHUSETTS LLC, D/B/A [SOLIDCORE];
SOLIDCORE MIAMI, LLC, D/B/A [SOLIDCORE]; SOLIDCORE
MICHIGAN, LLC, D/B/A [SOLIDCORE]; SOLIDCORE
MONTGOMERY COUNTY, LLC, D/B/A [SOLIDCORE];
SOLIDCORE NEW YORK, LLC, D/B/A [SOLIDCORE];
SOLIDCORE NORTH CAROLINA LLC, D/B/A [SOLIDCORE];
SOLIDCORE NORTH DAKOTA, LLC, D/B/A [SOLIDCORE];
SOLIDCORE NOVA, LLC, D/B/A [SOLIDCORE]; SOLIDCORE
OHIO LLC, D/B/A [SOLIDCORE]; SOLIDCORE
PHILADELPHIA, LLC, D/B/A [SOLIDCORE]; SOLIDCORE
SOUTH DAKOTA LLC, D/B/A [SOLIDCORE]; AND
SOLIDCORE WISCONSIN LLC, D/B/A [SOLIDCORE], A
SINGLE-INTEGRATED BUSINESS ENTERPRISE AND/OR
EMPLOYER

and

Cases 5-CA-262848
5-CA-269757
5-CA-270986

(b) (6), (b) (7)(C) AN INDIVIDUAL

and

Case 5-CA-278089

(b) (6), (b) (7)(C) AN INDIVIDUAL

**ORDER FURTHER CONSOLIDATING CASES, SECOND
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

On April 27, 2021, a Consolidated Complaint and Notice of Hearing issued in

Cases 5-CA-262848, 5-CA-269757, and 5-CA-270986, filed by **(b) (6), (b) (7)(C)** an

Individual (b) (6), (b) (7)(C) alleging that Solidcore Assets, LLC; Solidcore Atlanta, LLC, d/b/a [solidcore Solidcore Chicago, LLC, d/b/a [solidcore]; Solidcore Connecticut, LLC, d/b/a [solidcore]; Solidcore Dallas, LLC, d/b/a [solidcore]; Solidcore Delaware LLC, d/b/a [solidcore]; Solidcore Global Enterprises, Inc.; Solidcore Holdings, LLC, d/b/a [solidcore]; Solidcore, Inc., d/b/a [solidcore]; Solidcore Indiana, LLC, d/b/a [solidcore]; Solidcore Kentucky LLC, d/b/a [solidcore]; Solidcore, LLC, d/b/a [solidcore]; Solidcore Management LLC; Solidcore Massachusetts LLC, d/b/a [solidcore]; Solidcore Miami, LLC, d/b/a [solidcore]; Solidcore Michigan, LLC, d/b/a [solidcore]; Solidcore Montgomery County, LLC, d/b/a [solidcore]; Solidcore New York, LLC, d/b/a [solidcore]; Solidcore North Carolina LLC, d/b/a [solidcore]; Solidcore North Dakota, LLC, d/b/a [solidcore]; Solidcore NOVA, LLC, d/b/a [solidcore]; Solidcore Ohio LLC, d/b/a [solidcore]; Solidcore Philadelphia, LLC, d/b/a [solidcore]; Solidcore South Dakota LLC, d/b/a [solidcore]; and Solidcore Wisconsin LLC, d/b/a [solidcore], a single-integrated business enterprise and/or employer (collectively, Respondent), had engaged in unfair labor practices that violate the National Labor Relations Act (the Act), 29 U.S.C § 151 et seq. Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT those cases are further consolidated with Case 5-CA-278089, filed by (b) (6), (b) (7)(C) an Individual (b) (6), (b) (7)(C)), which alleges that Respondent has engaged in further unfair labor practices within the meaning of the Act.

This Second Consolidated Complaint and Notice of Hearing, issued pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, is based on these consolidated cases, and alleges that Respondent has violated the Act as described below.

1. (a) The charge in Case 5-CA-262848 was filed by (b) (6), (b) (7)(C) on July 10, 2020, and a copy was served on Respondent by U.S. mail on July 13, 2020.

(b) The first amended charge in Case 5-CA-262848 was filed by (b) (6), (b) (7)(C) on March 19, 2021, and a copy was served on Respondent by U.S. mail on (b) (6), (b) (7)(C) 2021.

(c) The charge in Case 5-CA-269757 was filed by (b) (6), (b) (7)(C) on December 1, 2020, and a copy was served on Respondent by U.S. mail on December 4, 2020.

(d) The first amended charge in Case 5-CA-269757 was filed by (b) (6), (b) (7)(C) on March 19, 2021, and a copy was served on Respondent by U.S. mail on March 22, 2021.

(e) The charge in Case 5-CA-270986 was filed by (b) (6), (b) (7)(C) on January 5, 2021, and a copy was served on Respondent by U.S. mail on January 6, 2021.

(f) The first amended charge in Case 5-CA-270986 was filed by (b) (6), (b) (7)(C) on March 19, 2021, and a copy was served on Respondent by U.S. mail on March 22, 2021.

(g) The charge in Case 5-CA-278089 was filed by (b) (6), (b) (7)(C) on June 4, 2021, and a copy was served on Respondent by U.S. mail on the same day.

(h) The first amended charge in Case 5-CA-278089 was filed by (b) (6), (b) (7)(C) on June 11, 2021, and a copy was served on Respondent by U.S. mail on June 14, 2021.

2. (a) At all material times, Solidcore Assets, LLC has been a limited liability company with an office and place of business in Washington, D.C., and has been engaged in the operation and support of fitness facilities throughout the United States.

(b) At all material times, Solidcore Atlanta, LLC has been a limited liability company with an office and place of business in Atlanta, Georgia, and has been engaged in the operation of fitness facilities within the Atlanta, Georgia metropolitan area, under the trade

name[solidcore].

(c) At all material times, Solidcore Chicago, LLC has been a limited liability company with an office and place of business in Chicago, Illinois, and has been engaged in the operation of fitness facilities within the Chicago, Illinois metropolitan area, under the trade name[solidcore].

(d) At all material times, Solidcore Connecticut, LLC has been a limited liability company with an office and place of business in Westport, Connecticut, and has been engaged in the operation of a fitness facility, under the trade name [solidcore].

(e) At all material times, Solidcore Dallas, LLC has been a limited liability company with an office and place of business in Dallas, Texas, and has been engaged in the operation of fitness facilities within the Dallas, Texas metropolitan area, under the trade name[solidcore].

(f) At all material times, Solidcore Delaware LLC has been a limited liability company with an office and place of business in Wilmington, Delaware, and has been engaged in the operation of a fitness facility, under the trade name [solidcore].

(g) At all material times, Solidcore Global Enterprises, Inc. has been a corporation with an office and place of business in Washington, D.C., and has been engaged in the operation and support of fitness facilities throughout the United States.

(h) At all material times, Solidcore Holdings, LLC has been a limited liability company with an office and place of business in Washington, D.C., and has been engaged in the operation and support of fitness facilities throughout the United States, under the trade name [solidcore].

(i) At all material times, Solidcore, Inc. has been a corporation with an office and place of business in Washington, D.C., and has been engaged in the operation of fitness facilities, including those in Washington, D.C., under the trade name [solidcore].

(j) At all material times, Solidcore Indiana, LLC has been a limited liability company with an office and place of business in Indianapolis, Indiana, and has been engaged in the operation of fitness facilities within the State of Indiana, under the trade name [solidcore].

(k) At all material times, Solidcore Kentucky LLC has been a limited liability company with an office and place of business in Lexington, Kentucky, and has been engaged in the operation of a fitness facility, under the trade name [solidcore].

(l) At all material times, Solidcore, LLC has been a limited liability company with an office and place of business in Washington, D.C., and has been engaged in the operation of fitness facilities, including those in Washington, D.C., under the trade name [solidcore].

(m) At all material times, Solidcore Management LLC has been a limited liability company with an office and place of business in Washington, D.C., and has been engaged in the operation, support, and management of fitness facilities throughout the United States.

(n) At all material times, Solidcore Massachusetts LLC has been a limited liability company with an office and place of business in Boston, Massachusetts, and has been engaged in the operation of a fitness facility, under the trade name [solidcore].

(o) At all material times, Solidcore Miami, LLC has been a limited liability company with an office and place of business in Miami, Florida, and has been engaged in the operation of fitness facilities within the State of Florida, under the trade name [solidcore].

(p) At all material times, Solidcore Michigan, LLC has been a limited liability company with an office and place of business in Ann Arbor, Michigan, and has been engaged in the operation of fitness facilities within the State of Michigan, under the trade name [solidcore].

(q) At all material times, Solidcore Montgomery County, LLC has been a limited liability company with an office and place of business in Bethesda, Maryland, and has been engaged in the operation of fitness facilities within the State of Maryland, under the tradename [solidcore].

(r) At all material times, Solidcore New York, LLC has been a limited liability company with an office and place of business in New York, New York, and has been engaged in the operation of fitness facilities within the State of New York, under the trade name [solidcore].

(s) Since about November 12, 2020, Solidcore North Carolina LLC has been a limited liability company with an office and place of business in Charlotte, North Carolina, and has been engaged in the operation of a fitness facility, under the trade name [solidcore].

(t) At all material times, Solidcore North Dakota, LLC has been a limited liability company with an office and place of business in Bismarck, North Dakota, and has been engaged in the operation of fitness facilities within the State of North Dakota, under the trade name [solidcore].

(u) At all material times, Solidcore NOVA, LLC has been a limited liability company with an office and place of business in Reston, Virginia, and has been engaged in the operation of fitness facilities within the State of Virginia, under the trade name [solidcore].

(v) At all material times, Solidcore Ohio LLC has been a limited liability company with an office and place of business in Mason, Ohio, and has been engaged in the operation of a fitness facility, under the trade name [solidcore].

(w) At all material times, Solidcore Philadelphia, LLC has been a limited liability company with an office and place of business in Philadelphia, Pennsylvania, and has been engaged in the operation of fitness facilities within the State of Pennsylvania, under the trade name [solidcore].

(x) At all material times, Solidcore South Dakota LLC has been a limited liability company with an office and place of business in Sioux Falls, South Dakota, and has been engaged in the operation of a fitness facility, under the trade name [solidcore].

(y) At all material times, Solidcore Wisconsin LLC has been a limited liability company with an office and place of business in Milwaukee, Wisconsin, and has been engaged in the operation of fitness facilities within the State of Wisconsin, under the trade name [solidcore].

3. (a) At all material times, Solidcore Assets, LLC; Solidcore Atlanta, LLC, d/b/a [solidcore]; Solidcore Chicago, LLC, d/b/a [solidcore]; Solidcore Connecticut, LLC, d/b/a [solidcore]; Solidcore Dallas, LLC, d/b/a [solidcore]; Solidcore Delaware LLC, d/b/a [solidcore]; Solidcore Global Enterprises, Inc.; Solidcore Holdings, LLC, d/b/a [solidcore]; Solidcore, Inc., d/b/a [solidcore]; Solidcore Indiana, LLC, d/b/a [solidcore]; Solidcore Kentucky LLC, d/b/a [solidcore]; Solidcore, LLC, d/b/a [solidcore]; Solidcore Management LLC; Solidcore Massachusetts LLC, d/b/a [solidcore]; Solidcore Miami, LLC, d/b/a [solidcore]; Solidcore Michigan, LLC, d/b/a [solidcore]; Solidcore Montgomery County, LLC, d/b/a [solidcore]; Solidcore New York, LLC, d/b/a [solidcore]; Solidcore North Carolina LLC, d/b/a

[solidcore]; Solidcore North Dakota, LLC, d/b/a [solidcore]; Solidcore NOVA, LLC, d/b/a [solidcore]; Solidcore Ohio LLC, d/b/a [solidcore]; Solidcore Philadelphia, LLC, d/b/a [solidcore]; SolidcoreSouth Dakota LLC, d/b/a [solidcore]; and Solidcore Wisconsin LLC, d/b/a [solidcore], have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have formulated and administered a common labor policy; have provided services for and made sales to each other; have interchanged personnel with each other; have interrelated operations with common human resources and centralized control of labor relations, compliance and regulatory programs, staff, payroll services, purchasing, and sales; and have held themselves out to the public as a single-integrated business enterprise.

(b) Based on its operations described above in paragraph 3(a), Solidcore Assets, LLC; Solidcore Atlanta, LLC, d/b/a [solidcore]; Solidcore Chicago, LLC, d/b/a [solidcore]; Solidcore Connecticut, LLC, d/b/a [solidcore]; Solidcore Dallas, LLC, d/b/a [solidcore]; Solidcore Delaware LLC, d/b/a [solidcore]; Solidcore Global Enterprises, Inc.; Solidcore Holdings, LLC, d/b/a [solidcore]; Solidcore, Inc., d/b/a [solidcore]; Solidcore Indiana, LLC, d/b/a [solidcore]; Solidcore Kentucky LLC, d/b/a [solidcore]; Solidcore, LLC, d/b/a [solidcore]; Solidcore Management LLC; Solidcore Massachusetts LLC, d/b/a [solidcore]; Solidcore Miami, LLC, d/b/a [solidcore]; Solidcore Michigan, LLC, d/b/a [solidcore]; SolidcoreMontgomery County, LLC, d/b/a [solidcore]; Solidcore New York, LLC, d/b/a [solidcore]; Solidcore North Carolina LLC, d/b/a [solidcore]; Solidcore North Dakota, LLC, d/b/a [solidcore]; Solidcore NOVA, LLC, d/b/a [solidcore]; Solidcore Ohio LLC, d/b/a [solidcore]; Solidcore Philadelphia, LLC, d/b/a [solidcore]; Solidcore South Dakota LLC, d/b/a [solidcore]; and Solidcore Wisconsin LLC, d/b/a [solidcore], constitute a single-

integrated business enterprise and a single employer within the meaning of the Act.

4. (a) In conducting its operations during the 12-month period ending March 31, 2021, Respondent derived gross revenues in excess of \$500,000.

(b) During the period described above in paragraph 4(a), Respondent purchased and received at its Washington, D.C. facilities products, goods, and materials valued in excess of \$5,000 directly from points outside Washington, D.C.

(c) During the period described above in paragraph 4(a), Respondent has conducted its business operations, described above in paragraph 2 in Washington, D.C., and the Board asserts plenary jurisdiction over enterprises in Washington, D.C.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(a) (b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(c) (b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(d) (b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(e) (b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(f) (b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(g) (b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(h) (b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)

- (i) (b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)
- (j) (b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)
- (k) (b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)
- (l) (b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)
- (m) (b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)

6. About June 18, 2020, Respondent, by issuing its [solidcore]

CoachingAgreement promulgated and, since then, has maintained the following rule:

HR Policies

Relationships with clients, coaches, and managers

Coaches are expected to behave professionally. [solidcore] will not tolerate:

Speaking negatively or complaining about [solidcore] clients, coaches, managers, leadership or policies to any client or in any public forum.

7. At various times since about June 22, 2020, (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by communicating concerns about COVID-19 safety and health issues and pay issues.

8. At various times since about June 22, 2020, (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by communicating concerns about COVID-19 safety and health issues and pay issues.

9. About (b) (6), (b) (7)(C) 2020, Respondent, by (b) (6), (b) (7)(C) during a telephone conversation:

(a) created an impression among its employees that their protected concerted activities were under surveillance by Respondent;

(b) told (b) (6), (b) (7)(C) to bring (b) (6), (b) (7)(C) workplace concerns directly to

Respondent;

(c) told (b) (6), (b) (7)(C) to tell other employees to bring their workplace concerns directly to Respondent;

(d) told (b) (6), (b) (7)(C) that it is not appropriate to communicate with co-workers and others about workplace concerns; and

(e) invited (b) (6), (b) (7)(C) to resign (b) (6), (b) (7)(C) employment because (b) (6), (b) (7)(C) engaged in protected concerted activities.

10. (a) About (b) (6), (b) (7)(C) 2020, Respondent discharged (b) (6), (b) (7)(C)

(b) Respondent engaged in the conduct described above in paragraph 10(a) because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 7, and to discourage employees from engaging in these or other concerted activities.

11. About (b) (6), (b) (7)(C) 2020, Respondent, by (b) (6), (b) (7)(C) by commenting and posting on Instagram.com, threatened employees with unspecified reprisals.

12. About November 17, 2020, Respondent, by e-mail to employees, required employees to provide employees' Instagram.com usernames to Respondent for Respondent to follow employees' activity on Instagram.com.

13. (a) Respondent's Coach Council is an organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employees concerning grievances, labor disputes, and terms and conditions of employment.

(b) At all material times, based on the facts described above in paragraph 13(a), the Coach Council has been a labor organization within the meaning of

Section 2(5) of the Act.

(c) About June 29, 2020, Respondent, by (b) (6), (b) (7)(C) by e-mail to employees, initiated, formed, and promoted the Coach Council to Respondent's employees to discourage employees from engaging in protected concerted activities.

(d) Since about June 29, 2020, Respondent formed the Coach Council, appointed employee representatives to the Coach Council, supervised and supported meetings of the Coach Council, and urged employee participation in the Coach Council for the purpose, in whole or in part, of dealing with Respondent concerning wages, hours, and other terms and conditions of employment.

14. (a) Solidcore United is an organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employees concerning grievances, labor disputes, and terms and conditions of employment.

(b) At all material times, based on the facts described above in paragraph 14(a), Solidcore United has been a labor organization within the meaning of Section 2(5) of the Act.

15. (a) Since about (b) (6), (b) (7)(C) 2021, Respondent was hiring, or had concrete plans to hire, at least one employee.

(b) Since about (b) (6), (b) (7)(C) 2021, Respondent refused to hire (b) (6), (b) (7)(C)

(c) Respondent engaged in the conduct described above in paragraph 15(b), because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 8.

(d) Respondent engaged in the conduct described above in paragraph 15(b), because (b) (6), (b) (7)(C) joined, formed, or assisted Solidcore United and engaged in concerted activities, and to discourage employees from engaging in these activities.

16. By the conduct described above in paragraphs 6, 9 through 12, 13(c), and 15(c), Respondent has been interfering with, restraining, and coercing employees in the exercise of their rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

17. By the conduct described above in paragraphs 13(d), Respondent has dominated and interfered with the formation and administration of, and has been rendering unlawful assistance and support to, a labor organization in violation of Section 8(a)(1) and (2) of the Act.

18. By the conduct described above in paragraph 15, Respondent has been discriminating in regard to the hire or tenure, or terms or conditions of employment, of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

19. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

As part of the remedy for the unfair labor practices alleged above in paragraphs 6, 9 through 12, 13(c), 13(d), 15(c), and 15(d), the General Counsel seeks an order requiring that at a meeting, or meetings, scheduled to ensure the widest possible attendance, Respondent's representative (b) (6), (b) (7)(C) or another high-ranking supervisor identified above in paragraph 5 shall read any Notice to Employees, in English and on work time, in the presence of a Board agent attending via videoconference. Alternatively, the General Counsel seeks an order requiring that at a meeting, or meetings, scheduled to ensure the widest possible attendance, Respondent shall have a Board agent read any Notice to Employees that may issue

in this proceeding, in English and on worktime, in the presence of Respondent's supervisors and agents identified above in paragraph 5.

As part of the remedy for the unfair labor practices alleged above in paragraphs 6, 9 through 12, 13(c), 13(d), 15(c), and 15(d), the General Counsel seeks an Order requiring Respondent to: (1) post in Respondent's facilities any Notice to Employees that may issue in this proceeding; (2) mail the Notice to Employees to all employees who were employed at any time since (b) (6), (b) (7)(C) 2020; (3) electronically post the Notice to Employees for employees at all its facilities if Respondent customarily uses electronic means such as an electronic bulletin board, e-mail, website, or intranet to communicate with those employees; and (4) electronically post the Notice to Employees on Respondent's Instagram.com account.

As part of the remedy for the unfair labor practices alleged above in paragraph 11, the General Counsel seeks an Order requiring Respondent to direct its (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), to delete (b) (6), (b) (7)(C) 2020 posts for the (b) (6), (b) (7)(C) Instagram.com account and take appropriate steps to ensure (b) (6), (b) (7)(C) complies with its directive.

As part of the remedy for the unfair labor practices alleged above in paragraphs 6, 9 through 12, 13(c), 13(d), 15(c), and 15(d), the General Counsel seeks an Order requiring that: (1) Respondent's supervisors undergo a training, conducted by a Board agent, on compliance with the Act; and (2) Respondent's employees undergo a training, conducted by a Board agent, on work time, regarding their rights under the Act.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before August 24, 2021**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on and Regulations. The answer may not be filed by facsimile

transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT beginning at 10:00 a.m., on September 1, 2021, at a place to be determined or in another manner as ordered by the administrative law judge, including via videoconference, on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Baltimore, Maryland this 10th day of August 2021.

(SEAL)

/s/ SEAN R. MARSHALL

Sean R. Marshall, Regional Director
National Labor Relations Board, Region 5
Bank of America Center - Tower II
100 South Charles Street, Suite 600
Baltimore, MD 21201

Attachments

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in

evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 5-CA-262848, 5-CA-269757
5-CA-270986, 5-CA-278089

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

COUNSEL FOR RESPONDENT:

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Ogletree Deakins

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Jeremy C. Moritz, Esq.
Ogletree Deakins

RESPONDENT:

anne@solidcore.com

Ms. Anne Mahlum
Solidcore Holdings, LLC

COUNSEL FOR CHARGING PARTIES:

CHARGING PARTIES:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

SOLIDCORE ASSETS, LLC; SOLIDCORE ATLANTA, LLC, D/B/A [SOLIDCORE]; SOLIDCORE CHICAGO, LLC, D/B/A [SOLIDCORE]; SOLIDCORE CONNECTICUT, LLC, D/B/A [SOLIDCORE]; SOLIDCORE DALLAS, LLC, D/B/A [SOLIDCORE]; SOLIDCORE DELAWARE LLC, D/B/A [SOLIDCORE]; SOLIDCORE GLOBAL ENTERPRISES, INC.; SOLIDCORE HOLDINGS, LLC, D/B/A [SOLIDCORE]; SOLIDCORE, INC., D/B/A [SOLIDCORE]; SOLIDCORE INDIANA, LLC, D/B/A [SOLIDCORE]; SOLIDCORE KENTUCKY LLC, D/B/A [SOLIDCORE]; SOLIDCORE, LLC, D/B/A [SOLIDCORE]; SOLIDCORE MANAGEMENT LLC; SOLIDCORE MASSACHUSETTS LLC, D/B/A [SOLIDCORE]; SOLIDCORE MIAMI, LLC, D/B/A [SOLIDCORE]; SOLIDCORE MICHIGAN, LLC, D/B/A [SOLIDCORE]; SOLIDCORE MONTGOMERY COUNTY, LLC, D/B/A [SOLIDCORE]; SOLIDCORE NEW YORK, LLC, D/B/A [SOLIDCORE]; SOLIDCORE NORTH CAROLINA LLC, D/B/A [SOLIDCORE]; SOLIDCORE NORTH DAKOTA, LLC, D/B/A [SOLIDCORE]; SOLIDCORE NOVA, LLC, D/B/A [SOLIDCORE]; SOLIDCORE OHIO LLC, D/B/A [SOLIDCORE]; SOLIDCORE PHILADELPHIA, LLC, D/B/A [SOLIDCORE]; SOLIDCORE SOUTH DAKOTA LLC, D/B/A [SOLIDCORE]; AND SOLIDCORE WISCONSIN LLC, D/B/A [SOLIDCORE], A SINGLE-INTEGRATED BUSINESS ENTERPRISE AND/OR EMPLOYER

and

(b) (6), (b) (7)(C) AN INDIVIDUAL

Cases 5-CA-262848
5-CA-269757
5-CA-270986

and

(b) (6), (b) (7)(C) AN INDIVIDUAL

Case 5-CA-278089

AMENDMENT TO COMPLAINT

Pursuant to Section 102.17 of the Rules and Regulations of the National Labor Relations Board (the Board), the Order Further Consolidating Cases, Second

Consolidated Complaint and Notice of Hearing issued on August 10, 2021 (Complaint), is amended as follows:

1. Replacing the second paragraph in the Remedies section with the following revised paragraph:

As part of the remedy for the unfair labor practices alleged above in paragraphs 6, 9 through 12, 13(c), 13(d), 15(c), and 15(d), the General Counsel seeks an Order requiring Respondent to: (1) post in Respondent's facilities any Notice to Employees that may issue in this proceeding; (2) mail the Notice to Employees to all employees who were employed at any time since (b) (6), (b) (7)(C) 2020; (3) electronically post the Notice to Employees at all its facilities if Respondent customarily uses electronic means such as an electronic bulletin board, e-mail, website, or intranet to communicate with those employees; (4) electronically post the Notice to Employees on Respondent's Instagram.com account; and (5) distribute the Notice to Employees by text message to all employees who were employed at any time since (b) (6), (b) (7)(C) 2020.

2. Inserting as the second to last paragraph in the Remedies section:

As part of the remedy for the unfair labor practices alleged above in paragraphs 7 through 8, 10, 15(c) and 15(d), the General Counsel seeks an Order requiring that the Charging Parties be made whole, including, but not limited to, payment for reasonable consequential damages

incurred by the Charging Parties as a result of Respondent's unlawful conduct.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the above Amendment to Complaint. The answer must be **received by this office on or before October 12, 2021**. Respondent must serve a copy of the answer on each of the other parties. The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3)

business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

Dated at Baltimore, Maryland this 27th day of September 2021.

(SEAL)

/s/ SEAN R. MARSHALL

Sean R. Marshall, Regional Director
National Labor Relations Board, Region 5
Bank of America Center - Tower II
100 South Charles Street, Suite 600
Baltimore, Maryland 21201

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in

evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 5-CA-262848, 5-CA-269757
5-CA-270986, 5-CA-278089

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- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

COUNSEL FOR RESPONDENT:

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jeremy.moritz@ogletree.com

Jeremy C. Moritz, Esq.
Ogletree Deakins

RESPONDENT:

dimple@solidcore.co

Mr. Dimple Manghnani
Solidcore Holdings, LLC

COUNSEL FOR CHARGING PARTIES:

CHARGING PARTIES:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
10-CA-278721Date Filed
6/21/21**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Franklin's	b. Tel. No. (912) 335-5200
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 5 W Liberty St GA Savannah 31401	e. Employer Representative Alan Williams Director of Operations
	g. e-Mail (b) (6), (b) (7)(C)
	h. Number of workers employed 10
i. Type of Establishment (factory, mine, wholesaler, etc.) Beverages (Nonalcoholic)	j. Identify principal product or service
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
--See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) Title:	
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) By _____ Title: (b) (6), (b) (7)(C) of representative or person making charge (Print/type name and title or office, if any)	
Tel. No. (b) (6), (b) (7)(C)	
Office, if any, Cell No.	
Fax No.	
e-Mail (b) (6), (b) (7)(C)	
Address (b) (6), (b) (7)(C) 06/20/2021 05:20:00 PM (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.


Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Threaten to fire	04/14/2021

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment.

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**FIRST AMENDED
CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case
10-CA-278721Date Filed
07/15/2021**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Franklin's	b. Tel. No. (912) 335-5200
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 5 W Liberty St GA Savannah 31401	e. Employer Representative Alan Williams Director of Operations
	g. e-Mail (b) (6), (b) (7)(C)
	h. Number of workers employed 10
i. Type of Establishment (factory, mine, wholesaler, etc.) Beverages (Nonalcoholic)	j. Identify principal product or service
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment.	
Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening employees with termination in retaliation for discussing wages, hours, or other terms or conditions of employment.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) Title:	
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C)  07/14/2021 By (signature of representative or person making charge) Title: (b) (6), (b) (7)(C) (Print/type name and title or office, if any) 07/14/2021 (date) Address (b) (6), (b) (7)(C)	
Tel. No. (b) (6), (b) (7)(C)	
Office, if any, Cell No.	
Fax No.	
e-Mail (b) (6), (b) (7)(C)	

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INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**SECOND AMENDED
CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case
10-CA-278721Date Filed
9/7/21**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Daniel Reed, LLC d/b/a Franklin's		b. Tel. No. (912) 335-5200
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 5 W Liberty St GA Savannah 31401	e. Employer Representative Alan Williams Director of Operations	g. e-Mail (b) (6), (b) (7)(C)
		h. Number of workers employed 10
i. Type of Establishment (factory, mine, wholesaler, etc.) Beverages (Nonalcoholic)	j. Identify principal product or service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since around February 4, 2021, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining a work rule that prohibits employees from discussing wages, hours, or other terms or conditions of employment.

Around late January or early February 2021, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening employees with termination in retaliation for discussing wages, hours, or other terms or conditions of employment.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

Title:

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.
(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail
(b) (6), (b) (7)(C)**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(b) (6), (b) (7)(C)

(signature of representative or person making charge)

Title:

(b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Address

(b) (6), (b) (7)(C)

9/6/2021
(date)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

(b) (6), (b) (7)(C)

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